

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00246-MR**

MARTIN RAY ROBINSON, et al.,

Plaintiffs,

vs.

**MCDOWELL COUNTY DETENTION
CENTER,**

Defendant.

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ORDER

THIS MATTER is before the Court on periodic review of the record.

The *pro se* Plaintiffs filed this action pursuant to 42 U.S.C. § 1983 while they were incarcerated at the McDowell County Detention Center. [Doc. 1].

On November 22, 2021, the Court issued an Order notifying Plaintiffs James Julius Lumpkin and Antonio M. Ager that their Letters [Docs. 59, 60] would be construed as Notices of Voluntary Dismissal. [Doc. 61]. The Court allowed these Plaintiffs fourteen (14) days to object if they did not intend to voluntarily dismiss this case. [Id.]. They were notified that, if they did not timely file written objections, the action would be dismissed and closed as to them without further notice. [Id.]. Plaintiffs Lumpkin and Ager have not filed

written objections, and the time to do so has expired. Accordingly, the case is dismissed as to them without prejudice.

Further, on December 13, 2021, mail from the Court to Plaintiff Christopher A. McMahan was returned to the Court as undeliverable with a note “RTS Gone.” [Doc. 64 at 10]. Each Plaintiff was notified upon commencing this action that it is “Plaintiff’s responsibility to keep the Court advised of his/her current address at all times” and “[i]f Plaintiff’s address changes and no Notice [of Change of Address] is promptly filed with the Clerk of Court, this case may be dismissed for lack of prosecution.” [Doc. 3 at 2].

It appears that Plaintiff McMahan may have abandoned this action. Plaintiff McMahan shall, within **ten (10) days** of this Order, update his address of record and inform the Court whether he intends to proceed with this action. Failure to comply with this Order will result in dismissal of this action without prejudice and the closure of this case as to him without further notice.

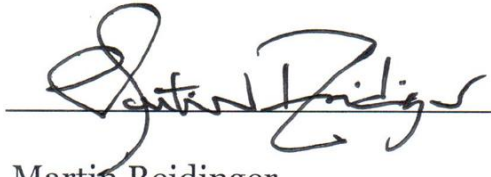
IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED WITHOUT PREJUDICE** as to Plaintiffs James Julius Lumpkin and Antonio M. Ager.
2. Plaintiff Christopher A. McMahan **shall have ten (10) days from the date of this Order** in which to update his address of record and

inform the Court whether he intends to proceed with this action. If he fails to do so, this case will be dismissed without prejudice and closed without further notice as to him.

IT IS SO ORDERED.

Signed: December 17, 2021



Martin Reidinger
Chief United States District Judge

